

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 16-59 and 64-87 are currently pending. Claims 60-63 have been cancelled without prejudice; and Claims 16-59 and 64-87 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 16, 20, 28, 32, 40, 44, 52, 56, 64, 68, 76, and 80 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claim 10 of U.S. Patent No. 6,697,566; Claims 24, 36, 48, 60, 72, and 84 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 9 of the '566 patent in view of U.S. Patent No. 6,026,232 to Yogeshwar et al. (hereinafter "the '232 patent"); Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 79, 83, and 87 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 9 of the '566 patent in view of U.S. Patent No. 6,438,083 to Kroon (hereinafter "the '083 patent"); Claims 16-18, 20-22, 24-26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50, 52-54, 56-58, 60-62, 64-66, 68-70, 72-74, 76-78, 80-82, and 84-86 were rejected under 35 U.S.C. §102(e) as being anticipated by the '232 patent; and Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 79, 83, and 87 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '232 patent in view of the '083 patent.

Amended Claim 16 is directed to a processing apparatus, comprising: (1) an encoder configured to encode video and/or audio signals to generate stream files; (2) a processor configured to generate characteristic point information including a number of streams used by a program, identification information of each stream, and attribute information of each stream

corresponding to each identification information, the characteristic point information being included in a program information file corresponding to each stream file and being used to access characteristic points when reproducing the stream files; and (3) a recording unit configured to record the stream files and corresponding program information files containing the characteristic point information respectively in a recording medium. The changes to Claim 16 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the double-patenting rejection of the claims is rendered moot by the present amendment to the claims. For example, Claim 16 has been amended to no longer recite positional information indicating a user designated position and content related positions. Rather, Claim 16 recites that the characteristic point information includes a number of streams used by a program, identification information of each stream, and attribute information of each stream corresponding to each identification information. Applicants respectfully submit that the claims in the related '566 patent fail to recite these limitations. Accordingly, Applicants respectfully submit that the amended claims patentably define over the claims in the '566 patent.

Applicants respectfully submit that the rejection of Claim 16 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 16.

The '232 patent is directed to a method and system in which a section of a previously encoded digital bit stream is replaced with another section of encoded video. In particular, the '232 patent discloses that the method includes the steps of (1) determining a start point and an end point at which the encoded video is to be modified; (2) obtaining unencoded video including video for insertion between the start point and the end points; (3) encoding the unencoded video by performing an encoding process; and (4) placing the encoded video generated by the encoding process into the encoded bit stream.

¹ See, e.g., Figure 24 and the discussion related thereto in the specification.

However, Applicants respectfully submit that the '232 patent fails to disclose a process and apparatus that includes a processor that is configured to generate characteristic point information including a number of streams used by a program, identification information of each stream, and attribute information of each stream corresponding to each identification information, as recited in amended Claim 16. Regarding the characteristic point information, the outstanding Office Action appears to rely on the disclosure in the '232 patent of a user who enters the time period for an entire edit segment over which the quality of the video is to be changed over a period of time.² Alternatively, the Office Action appears to rely on the disclosure in column 60 of the '232 patent, which refers to data file management information and playback pointers. However, Applicants respectfully submit that the '232 patent does not disclose characteristic point information that includes a number of streams used by a program, identification information of each stream, and attribute information of each stream corresponding to each identification information, and that the characteristic point information is included in a program management file corresponding to each stream file, as recited in amended Claim 16. Accordingly, Applicants respectfully submit that amended Claim 16 (and dependent Claims 17 and 18) patentably define over the '232 patent.

Independent Claims 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 64, 68, 72, 76, 80, and 84 recite limitations analogous to the limitations recited in Claim 16. Moreover, the above-noted independent claims have been amended in a manner analogous to the amendment to Claim 16. Accordingly, for reasons analogous to the reasons set forth above for the patentability of Claim 16, Applicants respectfully submit that the rejections of the above-noted independent claims are rendered moot by the present amendment to those claims.

² See page 8 of the outstanding Office Action.

Regarding the rejection of dependent Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 67, 71, 75, 79, 83, and 87 under 35 U.S.C. §103(a), Applicants respectfully submit that the '083 patent fails to remedy the deficiencies of the '232 patent, as discussed above.

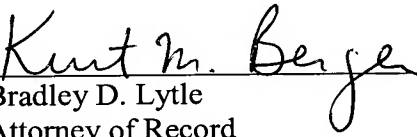
Accordingly, Applicants respectfully submit that the rejections of the above-noted dependent claims are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that Claims 16-59 and 64-87 patentably define over any proper combination of the '232 and '083 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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